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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

CAREY STEWART

V.

DTI INVESTMENTS, INC.,

DTI INVESTMENTS, INC. doing business as  
Rio Del Oro Apartments

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NO. 9:05-CV-39

ORDER RE: "HOTLINE" HEARING

Participants: STEFAN ALLEN  
Attorney for plaintiff Carey Stewart

BRUCE GAIBLE  
Attorney for defendant DTI Investments, Inc.

Date: May 27, 2005

Time: 4:15 p.m.

Action on: Discovery Dispute

Proceedings:

Plaintiff submitted interrogatories on April 21, 2005. Defendant neither answered nor objected within the thirty days. Plaintiff seeks an order compelling defendant to answer interrogatories before June 1, 2005.

Discussion:

This is a premises liability case involving an injury occurring at a pool in an apartment complex. Plaintiff's interrogatories are designed to determine, before expiration of the limitations period, who was in control of the premises at the time of the injury. The statute of limitations expires on June 1, 2005.

Defendant responded that, under Federal Rules of Civil Procedure, written discovery is inappropriate until the court convenes a scheduling conference.

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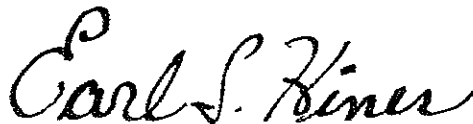
**Order:**

In light of exigent circumstances, the court exercises discretion to modify the usual timing for discovery. It is

**ORDERED** that defendant will answer substantively (not object to) plaintiff's interrogatories not later than noon on Tuesday, May 31, 2005, and furnish a copy thereof to plaintiff's counsel via facsimile, attachment to e-mail, or other method designed to insure plaintiff's counsel actual and immediate receipt thereby. It is further

**ORDERED** that, prior to formal answers, defendant's counsel shall informally convey (via telephone, e-mail, etc.) to plaintiff's counsel the substance of the information contained in the answers as soon as it is determined.

SIGNED this 27<sup>th</sup> day of May, 2005.

A handwritten signature in cursive script, reading "Earl S. Hines". The signature is written in black ink and is positioned above a horizontal line.

Earl S. Hines  
United States Magistrate Judge